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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THOMAS RICHARD DiBARTELLO,) NO. ED CV 15-1061-CJC(E)
)
Plaintiff,)
)
v.) ORDER DISMISSING ACTION
)
RODNEY A. CORTEZ, et al.,) WITHOUT PREJUDICE
)
Defendants.)
-----)

On December 24, 2015, Plaintiff filed a "Writ of Withdrawl,"
stating, in pertinent part, "I withdraw my claim against the named
Defendants without prejudice. . . ." The Court has construed
Plaintiff's "Writ of Withdrawl" as a request for voluntary dismissal
of the entire action without prejudice pursuant to Rule 41(a)(2) of
the Federal Rules of Civil Procedure. See Minute Order, filed
January 4, 2016. Defendants filed a "Notice of Non-opposition to
Order Dismissing the Action Without Prejudice" on January 6, 2016.
Therefore, in accordance with Rule 41(a)(2) of the Federal Rules of
Civil Procedure, Plaintiff's request for voluntary dismissal is
granted and this action is dismissed without prejudice. See Smith v.

1 || Lenches, 263 F.3d 972, 975 (9th Cir. 2001) (court should grant a
2 motion for voluntary dismissal under Rule 41(a)(2) unless a defendant
3 demonstrates that the defendant "will suffer some plain legal
4 prejudice as a result").

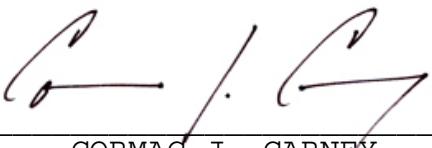
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6 IT IS SO ORDERED.

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8 DATED: January 11, 2016

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10 
11 CORMAC J. CARNEY
12 UNITED STATES DISTRICT JUDGE

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14 PRESENTED this 7th day of
15 January, 2016, by:

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17 _____
18 /S/
19 CHARLES F. EICK
20 UNITED STATES MAGISTRATE JUDGE

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